

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

**Stephen Bain,** :  
**Plaintiff** :  
:  
**v.** : **File No. 1:06-CV-214**  
:  
**Vermont District Court, et al.** :  
**Defendants** :

**ORDER**

The Magistrate Judge's Report and Recommendation was filed November 16, 2007 (Paper 103). After de novo review and over objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1). The following motions to dismiss are GRANTED:

1. Defendants Kathryn Hayes, Karen Carroll and John Wesley's Motion to Dismiss (Paper 52);
2. Defendants Vermont District Court, Windham County State's Attorney's Office, Dan Davis, John Lavoie, Nathaniel Seeley, Vermont State Police, Paul Favereau, Anne Patterson, Susanne Borichevsky, Noreen Mackin, Christine Murray and Tanya Wender's Motion to Dismiss (Paper 53);
3. Defendant Cheryl M. Goldstein's Motion to Dismiss (Paper 54);
4. Defendant Kimberly Morirano's Motion to Dismiss (Paper 55);
5. Defendants Windham County Sheriff's Department, Sheila Prue, Sherwood Lake, Matthew Murano, John Melvin, Ron Lake, Richard Schwartz, Dana Shepard, Michael Peterson, Amy Fletcher, Holly Ellis and Linda Fletcher's Motion to Dismiss (Paper 92); and
6. Defendants Steven Gold, Keith Tallon, Dominic Damato, Jerome Doherty, Howard Brooks, Dean Florence, Kevin Oddy, Robert Arnell,

Raymond Flum, James Donnon, Travis Denton, Brian Avila and Robert Willson's Motion to Dismiss (Paper 99).

Plaintiff's sole request for relief for a writ of mandamus is without merit. Accordingly, this case is DISMISSED without prejudice as to the foregoing defendants, as well as defendants Robert Hofmann, Michael O'Malley, Ellen McWard, David Bovat, Lynn Roberto, James Kamel, Peter M. Potanas, Alexander Bartlett, Adam Saris, Carol Callea, Prisoners Rights, John Doe, Jane Doe, Vermont Department of Corrections, Chester Alden, Jeffrey Bruso, and Theresa M. Webster.

Plaintiff's motion for injunctive relief (Paper 24) is DENIED as moot.

Plaintiff's requests for a certificate of appealability and protective order (Paper 105) are DENIED. It is further certified that any appeal taken in forma pauperis from this Order would not be taken in good faith because such an appeal would be frivolous. See 28 U.S.C. § 1915(a)(3).

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 14<sup>th</sup> day of December, 2007.

/s/ J. Garvan Murtha  
J. Garvan Murtha  
United States District Judge